IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

OP.No. 16884 of 1998(I)

PETITIONERS:

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1. BIJU T., S/O.VASUMATHY THULASEEDHARAN,
AGED 20 YEARS, VILAYIKULAM VEEDU,
KADINAMKULAM,
KAZHAKKOOTTAM-MEENAMKULAM VILLAGE,
THIRUVANANTHAPURAM TALUK

2. DINESH S., S/O.LATE CHELLAPPAN SADASIVAN,
21 YEARS, MOOLAYIL VEEDU,
KAZHAKKOOTTAM-MEENAMKULAM VILLAGE,
THIRUVANANTHAPURAM TALUK

3. T.VIMAL RAJ, S/O.KUNJI THANKAMMA,
AGED 19 YEARS,
PLAVARKKONAM, CHEMPAZHANTHI P.O.,
THIRUVANANTHAPURAM

4. SINDHU MURALEEDHARAN, D/O. K.SUNDARAN,
MULAYIL VEEDU,
VILAYIKULAM, KAZHAKKOOTTAM,
THIRUVANANTHAPURAM.

BY ADV. SRI.T.V.GEORGE
SRI.V.G.SREEDEVI

RESPONDENTS:

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1. BHARATH PETROLEUM CORPORATION LIMITED,
REPRESENTED BY ITS CHAIRMAN, BHARATH BHAVAN,
4 AND 6 CURRIMBHOY ROAD, BALLARD ESTATE,
BOMBAY-38

2. THE CHIEF PERSONAL MANAGER, BHARATH PETROLEUM
CORPORATION LTD., 7, KODAMBAKKAM HIGH ROAD,
MADRAS.

3. DEPUTY GENERAL MANAGER (P) SOUTHERN REGION,
BHARATH PETROLEUM CORPORATION LTD.,
MADRAS

4. THE SPECIAL TAHSILDAR, ADDL.LAND ACQUISITION UNIT,
THIRUVANANTHAPURAM

5. UNION OF INDIA, REPRESENTED BY THE SECRETARY,
MINISTRY OF INDUSTRY, NEW DELHI

BY SRI.K.RAMAKUMAR, SCGSC

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP.No. 16884 of 1998(I)

APPENDIX

ORDER ON C.M.P.NOS.10749/1999 & 29884/1998

CLOSED

SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

01/06/2007

ORDER ON C.M.P No.23770/1999

DISMISSED

SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

01/06/2007

PETITIONERS' EXTS:

EXT.P1	TRUE COPY OF THE DIRECTIVE DATED 03/02/1986 ISSUED BY THE 5TH RESPONDENT
EXT.P2	TRUE COPY OF THE CERTIFICATE ISSUED BY THE 4TH RESPONDENT DATED 03/09/1986
EXT.P3	TRUE COPY OF THE LIST DATED 19/11/1986 PREPARED BY THE 4TH RESPONDENT SHOWING THE NAMES OF EVICTEES WHO LOST THEIR HOMESTEAD
EXT.P4	TRUE COPY OF THE APPLICATION DATED 10/05/1998 BY THE 1ST PETITIONER.
EXT.P5	TRUE COPY OF THE CERTIFICATE DATED 05/11/1991 ISSUED BY THE 4TH RESPONDENT
EXT.P6	TRUE COPY OF THE INTERVIEW NOTICE DATED 24/11/1988, BY THE 1ST RESPONDENT
EXT.P7	TRUE COPY OF THE APPLICATION DATED 21/05/1998 BY THE 2ND PETITIONER'S
EXT.P8	TRUE COPY OF THE CERTIFICATE DATED 30/07/1986 BY THE 4TH RESPONDENT
EXT.P9	TRUE COPY OF THE INTERVIEW NOTICE DATED 24/11/1988 BY THE 1ST RESPONDENT
EXT.P10	TRUE COPY OF THE REMINDER LETTER FILED BY THE 3RD PETITIONER
EXT.P11	TRUE COPY OF THE LETTER DATED 31/10/1991 BY THE DIVISIONAL MANAGER UNDER THE 1ST RESPONDENT

EXT.P12 TRUE COPY OF THE CERTIFICATE DATED 03/09/1988 ISSUED BY THE 4TH RESPONDENT

EXT.P13 TRUE COPY OF THE INTERVIEW LETTER DATED 24/11/1988 ISSUED TO THE 4TH PETITIONER'S FATHER

EXT.P14 TRUE COPY OF THE LETTER DATED 11/06/1990 ISSUED BY THE DIVISIONAL MANAGER UNDER THE 1ST RESPONDENT

EXT.P15 TRUE COPY OF THE LETTER DATED 13/07/1990 ISSUED BY THE 2ND RESPONDENT

EXT.P16 TRUE COPY OF THE COMMUNICATION ISSUED BY THE 3RD RESPONDENT DATED 05/03/1998.

EXT.P17 TRUE COPY OF LETTER OF 4TH PETITIONER TO 2ND RESPONDENT DATED 15/03/1999

EXT.P18 TRUE COY OF LETTER DATED 20/04/1999 FROM 2ND RESPONDENT TO 4TH PETITIONER

EXT.P19 TRUE COPY OF LETTER DATED 02/06/1998 ISSUED BY 3RD RESPONDENT.

EXT.P20 CONTRACT BILL DATED 11/03/1999 SUBMITTED BEFORE 1ST RESPONDENT.

\\TRUE COPY//

THOTTATHIL B. RADHAKRISHNAN, J

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O.P.No. 16884 of 1998

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Dated this the 1st day of June, 2007

J U D G M E N T

Petitioners seek a direction to the respondents to obtain their appointment in the existing vacancies of Operators-Labour categories in the service of the first respondent Bharat Petroleum Corporation Ltd., in its L.P.G Bottling Plants at Kazhakkoottam in Thiruvananthapuram District and for a prohibition against the appointment in terms of Ext.P16.

2. There is no interlocutory order in this case.

3. The parties stand by the terms of Ext.P1 which contains directions issued by the competent authority in the Central Government to regulate land acquisition for the purpose of public sector undertakings. Those directions, inter alia, include certain provisions for rehabilitation of displaced persons. Such

provisions are made at securing certain benefits to either the persons who are dispossessed or their dependants. The public sector undertaking for whose purpose the acquisition is being made is required to make some appointments. The appropriate authorities in the Government are to ensure imparting proper education and training for such displaced persons to enter into appropriate appointment. But it is the admitted situation that it is not the requirement that the concerned public sector undertaking should employ persons who do not satisfy the prescribed educational and other qualifications to enter the service of that particular undertaking.

4. A counter affidavit has been placed on record by respondents 1 and 2. It explicitly demonstrates the consideration of the case of all persons enlisted by the Land Acquisition Officer and the reasons for refusing to appoint any among the petitioners or their predecessors, in interest, particularly, in the case of the first petitioner. While it is unnecessary for the disposal of this original petition to refer to the different particular facts relatable to each of the petitioners

as stated in the counter affidavit, it is sufficient that it is noticed that the respondents have demonstrated through the counter affidavit that the case of the petitioners were considered, in terms of Ext.P1.

5. This leads to one of the contentions of the petitioners, which is to the effect that five persons, who are named by them, have been appointed. The stand of the contesting respondents is that those persons were, even prior to the acquisition, working on daily rate basis for the company and, therefore, were found suitable for being absorbed. Hence, that contention of the petitioners does not stand.

6. In so far as the reliance placed by the petitioners on a communication issued by one of the officers by the first respondent, the contention of respondents 1 and 2 that the said communication has no binding effect and that it is not one offering or intending to offer appointment. This defence stands. I do not find any reason to, therefore, act upon that communication.

7. The acquisition was a way back in 1985-86. In this original petition filed in the year 1988, I do not find it necessary to issue directions, at any rate, at this distant of time.

Original petition fails and is, accordingly, dismissed.

THOTTATHIL B.RADHAKRISHNAN
Judge

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 16884 of 1998

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J U D G M E N T

1st June, 2007